

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

UNITED STATES OF AMERICA )  
v. ) ) CASE NO. DNCW 3:09CR110  
CHESTER ARTHUR WILLIAMS, ) (Financial Litigation Unit)  
and )  
BB&T CORPORATION PENSION PLAN, )  
Garnishee. )

## ORDER OF CONTINUING GARNISHMENT

**THIS MATTER** is before the Court on the Answer of BB&T Corporation Pension Plan as Garnishee. On December 1, 2010, the Honorable Frank D. Whitney sentenced the Defendant to one year probation for his convictions of Bank Fraud, in violation of 18 U.S.C. § 1344, and Filing False Tax Return and Aiding and Abetting , in violation of 26 U.S.C. § 7206(1). Judgment in the criminal case was filed on December 1, 2010 (Docket No. 18). As part of that Judgment, the Defendant was ordered to pay an assessment of \$200 and restitution of \$210,081.00 to the victims of the crimes.

Id.

On August 17, 2011, the Court entered a Writ of Continuing Garnishment ("Writ") (Docket No. 38), to Garnishee BB&T Corporation Pension Plan ("Garnishee"). The United States is entitled to a garnishment of 100% of Defendant's periodic pension distributions, net of any mandatory tax withholdings, and has satisfied the prerequisites set forth in 15 U.S.C. § 1673. Defendant was served with the Writ on August 19, 2011. Garnishee was served with the Writ on August 18, 2011. Garnishee filed an Answer on September 6, 2011 (Docket No.40) stating that at the time of the service of the Writ, Garnishee anticipates owing the Defendant a future monthly pension benefit in the amount of \$3,650.82 until December 2013, and a reduced monthly pension benefit of \$1,669.82

thereafter.

**IT IS THEREFORE ORDERED** that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$193,427.16 computed through August 15, 2011. Garnishee shall pay the United States 100% of Defendant's periodic pension distributions which remain after all deductions required by law have been withheld. Garnishee shall continue said payments until the debt to the United States is paid in full or until further order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to the Clerk of the United States District Court, 401 West Trade Street, Charlotte, NC 28202. In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:09CR110.

The United States will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt.

**SO ORDERED.**

Signed: October 6, 2011

  
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David S. Cayer  
United States Magistrate Judge

